

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD J. WEISBERG,

Plaintiff,

vs.

DEPARTMENT OF JUSTICE, et al.,

Defendants.

Civil Action Number

226-75

Deposition of LYNDALL L. SHANEYFELT

Washington, D.C.
March 28, 1977

Pages 1 thru 39

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546-6666

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Washington, D. C.
Monday, March 28, 1977

Deposition of LYNDAL L. SHANEYFELT, taken on behalf
of the plaintiff in the above-entitled action at 910 15th
Street, Northwest, Washington, D. C., pursuant to notice,
beginning at 10:25 a.m., before Sandra S. Morgan, a notary
public in and for the District of Columbia.

APPEARANCES:

For the plaintiff:

JAMES H. LESAR, Esq.
910 15th Street, NW
Washington, D. C.

For the defendants:

MICHAEL J. RYAN, Esq.
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Room 3421
U. S. Courthouse
Washington, D. C.

ALSO PRESENT:

MARION M. JOHNSON
TRUDY PETERSON
National Archives

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P R O C E E D I N G S

MR. LESAR: On the record.

Since Mr. Moschella has just arrived and we were not on the record before, I will repeat just a few questions. I am asking Mr. Johnson about compliance with the subpoena which was issued and served on Dr. Rhoades last week.

What materials did you bring in response to that subpoena and what materials did you not bring?

MR. JOHNSON: I brought the curbing from Dallas and the Commission Exhibit 399, the bullet, and some special photographs of President Kennedy's clothing that we took at Mr. Weisberg's request to show him instead of the clothing and in accordance with Mr. Weisberg's requests of the record relating to the question of the unknotting of the President's tie.

MR. LESAR: The correspondence you have provided today, does that consist of all the records relating to the unknotting of the President's tie?

MR. JOHNSON: There is none.

MR. LESAR: There was no correspondence made relevant to any investigation of the unknotting of the tie?

MR. JOHNSON: No.

MR. LESAR: The photographs of the President's

clothing which you took -- which the Archives took -- for Mr. Weisberg to show him, are there any restrictions being placed on those photographs?

MR. JOHNSON: Yes.

They are not to be introduced as exhibits.

They can be shown.

They were taken for the specific purpose of showing to researchers, and we don't furnish copies of them.

We have already responded to a Freedom of Information request on this question.

MR. LESAR: What difference is there between these photographs which you have taken for Mr. Weisberg which you will not allow to be introduced into evidence and other photographs of the President's clothing which are readily available?

MR. JOHNSON: Those are published or part of the record of the Warren Commission.

These we took ourselves for the specific purpose of showing to researchers.

MR. LESAR: The photographs you have taken show the tie has been unknotted, do they not?

MR. JOHNSON: Yes.

MR. LESAR: Does any published photograph show

that the tie has been unknotted?

MR. JOHNSON: No.

MR. LESAR: Are the photographs you have of greater clarity than the ones published?

MR. JOHNSON: I have no knowledge.

MR. LESAR: You have declined to produce the President's tie; is that correct?

MR. JOHNSON: Yes.

MR. LESAR: On what grounds?

MR. JOHNSON: The General Counsel's Office has acted on that, and I assume they have presented the legal reason for that. You can find that in the record.

Whereupon,

LYNDAL L. SHANEYFELT

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MR. LESAR:

Q I would like you first, as a preliminary matter, to state your background, how long you worked with the FBI, what you did in your capacity as an FBI agent, and what you did with respect to the investigation into President Kennedy's assassination.

A I started with the FBI in 1940 as a photographer, worked in the laboratories, from 1940 to 1943.

In 1948, I was assigned to the FBI laboratory documents section, specialized photography of evidence, infrared, various specialized types of evidentiary photography.

I received my BCS degree in 1951, and went back as a special agent; and after training school, I was assigned to Detroit as an investigator.

In 1952, I was reassigned to the FBI laboratory as a documents examiner trainee and for three years trained to become a documents examiner.

In 1955 until 1975, I was a documents examiner and a photographic specialist with the FBI laboratory. I did examinations of handwriting, typewriting, all types of related document examinations with a specialty in photographic applications to document problems, erasures, alterations, obliterations, specialized types of work.

I handled, in addition, photographic comparison when they had such examinations to be made because of my experience in photography.

I should probably backtrack to state, prior to coming to the FBI I was a newspaper photographer in Nebraska and did portrait, commercial and news photography.

Because of my background in photography, I did photographic examinations.

I have testified in all types of courts on both photographic and document cases.

That's basically my experience and background.

In June of 1975, I retired from the FBI and am now in private practice in Alexandria, Virginia, as a documents examiner and photographic specialist.

Q I believe I read you did some work in connection with Howard Hughes.

A Yes.

I have examined Howard Hughes' will referred to as the Mormon will on behalf of the Suma Corporation.

My work in the FBI laboratory relative to the investigation of the assassination of President John F. Kennedy covered the examination of the Zapruder film, assisted the Commission in the reenactment that took place down in Dallas, made an examination of Oswald's shirt he was wearing at the time he was arrested, examinations of the photographs of Oswald with the rifle and newspapers which appeared on the front of Life Magazine, including an examination of the Life Magazine cover and the original picture from which that cover was made.

Q This was the photograph --

A -- of Oswald holding the rifle and the two newspapers.

I made examinations of the camera that was used to take that picture and the negative of a similar picture.

Q If I may interrupt, when you made examination of these items, did you make any reports on them?

A Yes.

In all instances the results were reported to the Warren Commission; and, in many instances, I worked with the Warren Commission.

Q Did you report directly to the Warren Commission?

A No.

These were FBI laboratory reports furnished to the Commission.

Q Who would you have furnished your reports to?

A My reports were prepared and sent through the normal channels, my section chief.

Q Who was your section chief?

A At that time, it would have been -- I'm not real sure -- documents section.

It could have been Gus Boules, or Bill Griffith. I am not sure what the year of their transition is.

In addition to those examinations -- there may have been others -- I made several examinations.

The record shows all the testimony I gave before the Commission. I testified before them or gave depositions relative to all the studies I made.

The other item that I worked on was the piece of curbing that was described as having a mark that looked like it had been hit by a bullet; and I was sent to Dallas to find that spot, and if I found it, to retrieve it.

I did it using photographs obtained from various newspaper sources, pictures made as a result of individuals that were at that location on that date. Based on that, some of the newspaper photographers made photographs; and, based on those photographs, I was able to locate the spot on the curb and arrange to have it removed.

I personally carried it back to the FBI laboratory for examination.

Q You have been referring to a mark on the curbstone.

Could you describe that mark?

A Yes.

It was described to me as being a mark where someone saw a bullet had hit and it was along the curbing near the Commercial Street side of the underpass.

Q On the south side of --

A My directions are --

Across Dealey Plaza from the Texas School Book Depository, across the street from the building where Mr. Zapruder was standing.

Direction-wise, I don't know the direction.

Q How far from the underpass was it?

A I don't recall.

The record, I am sure, shows that.

It seems to me it was somewhere around 25, 50 feet, in that area.

Q When you located the curbstone, what did the mark appear like to you?

A It was very dim, indistinct; but it was a fan shape with the point of the fan generally in the direction of the area across the street, Texas Schoolbook Depository, and the area where the assassination occurred; fanned out as anything would that hit and splashed; had that fan-like appearance.

It is my recollection it was maybe an inch to an inch and one-quarter long and maybe three-eighths to a half inch wide.

It was a long time ago.

Q I understand that.

Was it obvious to you from the texture of it that something had been chipped off there at that point?

A There was no chipping whatsoever.

There was a smear on the curb, what I would call a smear, fan-shaped smear.

Q Did you feel the curbstone?

A No, I did not touch it in any way.

Q Did you observe it under a microscope?

A I may have at a later date back at the laboratory. Not at that date.

I felt sure that I had the section of curb that was in -- been described based on the photographs.

Q The photographs of Mr. Dillard?

A Mr. Dillard's photograph and relating to the other objects, I was reasonably sure that I had located the right spot.

I found no other spots that could be interpreted as being a place where a bullet had hit.

Q I would like to have you step over here and take a look at this curbstone behind me.

Is this the curbstone that you located?

A Yes.

Q Can you find the mark on the curbstone?

A Here is my initials.

I dated it 8/5/64.

The mark is in the center, along the rounded edge.

Q Can you feel that curbstone --

Mr. Johnston, can he place his hand over it?

MR. JOHNSTON: No objection.

BY MR. LESAR:

Q How does it feel?

A Feels like cement.

Q The same as the rest of the concrete block?

A I have no sensation of anything unusual.

Q Does it feel more smooth than the rest of the concrete block?

A I am not in a position to make such an examination of this today.

If you want an examination made, I will be glad to make an examination.

That was not part of the examination. I was only sent to obtain the stone and left the examination to the ballistics experts who made those examinations.

Q Does it appear to be in the same condition as when you located it?

A As near as I can recall.

This has been some time ago.

MR. LESAR: I want to show you a copy of an FBI laboratory work sheet, and I would like it marked as an exhibit.

(The document referred to was marked Shaneyfelt Exhibit No. 1 for identification.)

BY MR. LESAR:

Q Could you just read briefly what that laboratory work sheet says?

A "Mark on curb is 23 feet 4 inches from Triple underpass. A direct shot from sixth floor window TSBD would cross over little president in center of Elm Street at about 18 feet elevation and at Zapruder frame 410, 97 frames after 313 or 5.3 seconds at 18.3 frames per second."

Q That's sufficient.

Is that in your handwriting?

A Yes.

Q Is that the result of that microscopic examination you made?

A No.

Q This is not.

Is it your recollection that you did prepare a report on your microscopic examination?

A I made no microscopic examination, no.

Q Did anyone else that you know of?

A Yes.

I am sure they did.

I turned the stone over to the people in the spectrographic section, who made those examinations.

Q You would expect, then --

Would the spectrographic people have also made the microscopic examination?

A I believe that's right.

I may have looked at it through a microscope at some time, but merely relative to making some additional photographs or assisting the spectrographic people.

MR. LESAR: I have another exhibit here I would like marked.

(The document referred to was
marked Shaneyfelt Exhibit
No. 2 for identification.)

BY MR LESAR:

Q This is marked Shaneyfelt Exhibit 2.

Could you state whether or not that reflects the

results of any microscopic examination?

A This is not my worksheet, but the terminology indicates that it was spectrographically examined, not microscopic.

Q All right.

We were speaking earlier of the reports you made, and you said they were submitted to your section chief.

Do you recall what reports you saw relative to the assassination of the President?

A What reports I saw?

Q Yes. Right.

A Restricting it to this curb?

Q For the moment, we will restrict it to that, yes.

A The only report, to my recollection, was my report, which included the results of the examination as shown on this Shaneyfelt Exhibit 1 and also included the spectrographic analysis which is shown on Exhibit No. 2 was included in that report.

That's the only report on the curbing that I know of.

Q Would copies of your reports have been sent to the Dallas field office?

A I don't know that.

It seems logical, but I don't know.

Q Would it be normal FBI procedure to send it to that office?

A I don't recall that. I really don't. I just don't know.

Q Do you recall seeing any other reports relating to any other test performed on the curbstone?

A No.

Q Do you recall whether or not any neutron activation analysis was made of the curbstone?

A Not to my knowledge.

Q Did you see any neutron activation analysis on any item of evidence in the President's assassination?

A No.

Q Earlier, before you had had a chance to examine this curbstone, you described the shape and dimensions of the smear.

Was your description fairly accurate based on your recollection?

A Not too.

Q Would you like to amend it?

A I note it is more elliptical in shape on the actual curb, now, rather than fan-shaped.

Q And as to the dimensions?

A. Not nearly as long. It looks to be about five-sixteenths by one-half or five-eighths -- smaller than I recall.

Q I believe that one of the reports that we have indicates that the smear is approximately 1 inch by 1 and three-quarters inches.

I will show you that report in just a second.

This is a sketch which is attached to the laboratory work sheet which we just introduced as Shaneyfelt Exhibit 2.

I would like you to take a look at that.

What does that reflect as to the dimensions of the smear?

A. Indicates it is about 1 inch long.

Q And how wide?

A. Three-quarters.

Q Of an inch.

Is it possible for the core of a bullet, which would have a diameter approximately one-eighth of an inch, to make a smear with those dimensions?

A I have no idea.

I have no expertise in that line.

Q Did you see the worksheets of the spectrographic analysis which was made on the curbstone?

A I believe I only had this, Shaneyfelt Exhibit 2, furnished to me to include in my report.

Q The original notes on the test itself?

The drawing obviously was attached.

A I have no recollection of what else may have been attached, if anything.

Q What direction does the drawing show the bullet coming from?

A I don't find a direction indicated here.

There is a 33 degree drawing listed as 33 degrees.

With no notation of what that refers to, whether up or down or sideways or what -- this is not my drawing and I can get no more out of it than you can.

Q Which end of the drawing is higher, the right or the left?

A Which drawing?

I can't get any more out of that than anybody else.

It is not my drawing.

Q All right.

Are you familiar with the kinds of records that are usually made when one conducts a spectrographic analysis?

A No, I am not.

Q Did you make any report on your observations of the

curbstone?

A. You mean in Dallas?

Q. Yes.

A. I think that report would have been one covered by this worksheet, Shaneyfelt Exhibit 1.

Q. That's not your work sheet.

A. This is.

Q. That is all that you would have reported?

A. Yes.

My only report would be for the location of it; I made no examination of it in the FBI laboratory.

I made photographs of it which I furnished to the Commission, and I believe I testified relative to the report in which, rather than having the spectrographic examiner testify, I believe they just included along with my testimony a copy of his results which appear on this work sheet.

Q. You testified, I believe, that you had -- that you made a study of the Zapruder film.

A. Yes.

Q. Did you number the frames on the Zapruder film?

A. Yes, I did.

Q. Were there any frames missing at the time you numbered them?

MR. RYAN: I think I will object on relevancy grounds to the scope of the question. I think it goes beyond the mandate of the Court of Appeals to determine whether or not there are any additional reports pertaining to scientific tests.

I don't think that question goes to that.

I will permit the witness to answer.

BY MR. LESAR:

Q The question is, were there any frames missing from the Zapruder film at the time you numbered it?

A There were not.

Q Are you referring to the original copy of the Zapruder film or a copy?

A I did not do the numbering on the original.

The initial examination was made from a copy of the Zapruder film which was furnished to the FBI laboratory by the Secret Service. The numbering was done on that copy.

At the time the original was obtained, there were, as I recall, four frames missing where a splice had been made.

This was initially denied by Life Magazine as having any part of that splice.

After Mr. Weisberg accused me of having cut the film out to conceal evidence, Life Magazine subsequently

admitted that one of their employees had made that splice.

Q Did you make any report on the missing frames?

A I did not.

Not to my knowledge, no.

Q Do you know of anyone in the FBI who did?

A No.

I handled all the examination of the Zapruder film.

There was no reason for a report on it because I had access to those four frames in my examination because of the copy.

There was never any evidence film-wise that I didn't have, so I didn't make a report.

Q Did the copy that you had show the marginal material in the film?

A I don't recall that.

Q For example, did it have material between the sprocket holes?

A I say, I don't recall.

Q Isn't it customary that material is automatically eliminated in copying?

MR. RYAN: I think I will object to that question.

That's asking for the witness to draw a conclusion regarding a practice of the FBI laboratory that has no relevancy to the suit.

MR. LESAR: The response to that; first, Mr. Shaneyfelt has testified he is a photographic expert and it seems to me it is within his competence and experience to answer that.

THE WITNESS: I am going to refuse to answer any more questions along those lines on the grounds they are outside the order from the court.

Is that agreeable with you?

MR. RYAN: Yes.

BY MR. LESAR:

Q I want to return for a second to the pictures of the curbstone which you took.

Did you take any picture of the curbstone in Washington?

A Yes.

Q You did.

How many?

A I don't know. I have no recollection.

I would estimate that I took just a standard object -- what I would call an object shot photograph, just a picture of the curbstone which I suspect is one of the Shaneyfelt exhibits in the Warren report, maybe from both sides; I am not sure; to get the full view; I don't recall

that.

I recall making what I would refer to as macro-graphs, slightly enlarged photographs of the area where the lead deposit was.

I believe I made some in color, but I can't be sure of that.

Q Did I understand you correctly to say that you did take close-ups?

A I did take what I would refer to as a macrograph, the area of the bullet enlarged to roughly 8 by 10 size, as I recall.

As I recall, I think it may have been in color.

Q Did you make any comparisons with the news photographs of the curbstone mark?

A Not that I recall, no.

I may have duplicated one of the newspaper photographs at the time I took a picture in Dallas of the curbing with maybe a marker to show where I had located it to show the comparison of the newspaper photograph and my photograph of the same area.

I may have done that. I don't really recall that.

I did not sit down and compare them in a scientific manner.

MR. LESAR: Fine.

Mr. Johnson, you have a couple of photographs there that you brought with you.

Did you take the photographs of the President's clothing for the Warren Commission?

THE WITNESS: I really do not recall.

I suspect not.

It may have been done under my supervision by photographers working in my department.

I really do not recall.

BY MR. LESAR:

Q I want to show you a Xerox of a composite, FBI Exhibit 60, composite photograph.

Do you recognize that as one that you did?

A No. I do not recognize it.

Q Did you observe the President's clothing?

A I think I may have seen it. I made no examination of it.

I am sure I saw it.

In fact, we had some items of it during the reenactment.

Q Which items did you have during the reenactment?

A The President's coat and Connally's coat, those two

items.

Q Do you recall, from viewing the tie, that there was a nick on it?

A I don't know that I recall that from viewing it or from knowing it from talking to other examiners.

Q At the time you saw the President's tie, was it knotted or unknotted?

A I have no recollection of that.

I would say knotted, but --

Q Let me show you another Warren Commission Exhibit, C-31, which is a photograph of the tie.

Do you recognize that photograph?

A No, I do not.

MR. LESAR: Mr. Johnson, could you pass me those photographs just a second?

MR. JOHNSON: I would rather keep them.

BY MR. LESAR:

Q Mr. Johnson is showing you a photograph of a tie.

What does it say on the back of that photograph, Mr. Johnson?

MR. JOHNSON: Necktie, front in knot area.

BY MR. LESAR:

Q Do you see a nick present on that tie?

A Yes, I see a hole; it appears to me to be a hole.

Q What's its position on the tie?

A That's obvious to anybody that looks at it. This is not an area of my expertise.

I have made no examination of the necktie. I do not plan to make an examination of it here today.

Q Could you just say, middle, side of the tie?

A This is not a part of the examination I made.

I am not an expert.

Q I am just asking you to look at it.

The reason I am doing this, the Archives has refused to let us put this in evidence through Xeroxing.

For the record, I just want you to say where on the tie the nick is.

A It's on the left side as I view the photograph, as I look at it.

Q As the President was wearing the tie, it would be on the front, right side of the tie?

A I think that's the way it works.

MR. LESAR: Mr. Johnson, would you show him the second photograph of the tie?

MR. JOHNSON: Necktie, President Kennedy, back.

BY MR. LESAR:

Q Do you see any nick on the back of the tie?

A No, I don't.

MR. LESAR: Mr. Johnson, I think there is some other photographs there.

MR. JOHNSON: Collar of shirt front, back to front.

BY MR. LESAR:

Q Did you make any photographs of the President's shirt and collar?

A Not to my recollection.

Q Not to your recollection.

Did you examine the shirt?

A I did not.

Q For the purposes of your reenactment in Dallas, did you examine the shirt?

A I did not.

Q Were there any photographs of the clothing taken under your supervision?

A There may have been.

The photographs may have been made under my supervision by people in my department.

Q Do you recall who would have done that?

A I have no recollection, no.

MR. LESAR: Could you let me see the first photograph of the shirt there?

Yes.

That's not the collar.

Did you bring one of the collar?

MR. JOHNSON: There is another one.

This is a copy of the collar, though, the inside.

MR. LESAR: Yes. All right.

Is there a description of the photograph on the back?

MR. JOHNSON: No.

There is no description.

BY MR. LESAR:

Q Mr. Shaneyfelt, could you describe what you are looking at?

A Photograph of a collar area of a shirt and a necktie coming out from under the collar but not tied, crossed.

Q Do there appear to be tears or holes in the collar area?

A Not that I can see in this photograph, no.

There may be some there in the shadow area, but there isn't anything based on this photograph I can

interpret as a tear or hole.

Q I would like to ask you a couple more questions returning to the Zapruder film.

Are you familiar with a man named Willis?

A I recall that there were some photographs made by Mr. Willis.

Q Did you trace the position of Mr. Willis in the Zapruder film?

A I may have. I don't recall.

I really don't recall. I may have.

Q All right.

Did you — you don't recall whether or not you testified to that?

A I may have. I really don't recall that specifically.

I suspect that I did, but I would have to check the record. I am sure the record speaks for itself.

Q Would it disclose that there was a straight-line relationship between Mr. Willis and Mr. Zapruder, both of whom are photographing the same event?

A I don't recall that. I really don't recall that.

Q With respect to the Zapruder film, did you ever request access to the original?

MR. RYAN: I think I will object again on the